

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	No. 3:06-CR-106-004
V.)	(PHILLIPS/GUYTON)
)	
)	
TERRY STRANGE)	

MEMORANDUM AND ORDER

The defendant appeared on a revocation hearing of his pretrial release on October 3, 2006. David C. Jennings, Assistant United States Attorney, was present representing the government and Donny M. Young, was present representing the defendant. The defendant was released pursuant to an Order Setting Conditions of Release on August 24, 2006. Conditions of defendant's release included among others (7)(o) that he shall refrain from any use of alcohol and (7)(q) that he shall submit to any method of drug testing and treatment as directed and required by Pretrial Services.

A Petition for Action on Conditions of Pretrial Release has been filed by defendant's pretrial services officer on October 2, 2006, stating the following violations: that the defendant submitted to a random alcohol check on Sunday, September 24, 2006 which he tested positive for alcohol usage. The defendant admitted to drinking a beer. And on September 25, 2006, the defendant submitted to an instant drug test around 1p.m. which was negative for any illegal drugs. Later that evening, at 6 p.m. he was requested to submit to another drug test. The results of this test were returned on October 2, 2006, which showed the defendant was positive for cocaine and morphine.

At the 18 U.S.C. § 3148 hearing on October 3, 2006, the defendant submitted to these violations and along with his attorney, Donny M. Young, stated he wished to waive his right to a revocation hearing and the defendant and his attorney signed the appropriate waiver. Defendant also acknowledged this admission and waiver meant he would remain in custody pending trial or plea.

Accordingly, this Court finds that pursuant to 18 U.S.C. § 3148, that there is clear and convincing evidence that the defendant has violated the specific conditions of his release. The Court also finds that there no conditions or combination of conditions of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the order setting conditions of release is hereby **REVOKED** and the defendant is ordered detained and remanded to the custody of the United States Marshal pending his trial date on **February 22, 2007 at 9:00 a.m.**, before the **Honorable Thomas W. Phillips**, United States District Judge.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge